

ORDINANCE O-5-11
Code of the Town of Cheverly

An Ordinance whereby the Mayor and Council amend their sign ordinance to create a rebuttable presumption that any person or entity named in an illegal advertising in the public rights of way is guilty of an infraction.

WHEREAS, Article VII, Section C-23A (6) (7) and (12) of the Charter of the Town of Cheverly grants to the Mayor and Town Council the power to regulate signs in the public right of ways; and

WHEREAS, the Mayor and Town Council deem it appropriate to amend the Town Code regarding signs to clarify that the party listed on any illegal sign posted in the public right of way shall be presumed to be the person or entity responsible for the illegal sign; and

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Town Council, in regular session assembled, that Section 32-2 of the Cheverly Code be amended as follows:

Sec. 23-2.~ Signs in public rights-of-way.

(a)~~Except as otherwise provided in this section, no person shall paint, mark, write on, post or otherwise affix any handbill or sign to or upon any sidewalk, crosswalk, curb, curbstone, street lamppost, hydrant, tree, shrub, tree stake or guard, electric light, power or telephone pole or wire appurtenance thereof, or any other fixture of the fire alarm or police system, or upon any lighting system, public bridge, street sign or traffic sign.

(b)~~Nothing in this section shall apply to the installation of a metal plaque or plate, or individual letters or figures in the sidewalk commemorating a historical, cultural or logistic event, location or personality for which the council has granted a written permit.

**(c)~~Nothing in this section shall apply to the painting of house numbers upon curbs.
(Ord. No. 3-85, 3-14-85)**

(d) ANY PERSON OR ENTITY THAT CAUSES OR ENGAGES ANOTHER PERSON OR ENTITY TO PLACE A SIGN OR HANDBILL IN THE PUBLIC RIGHT OF WAY OR DO ANY OF THE ACTS SPECIFIED IN SUBSECTION (a) ABOVE SHALL BE GUILTY OF VIOLATING THIS SECTION. UNLESS REBUTTED BY COMPETENT EVIDENCE, ANY SUCH SIGN OR HANDBILL SHALL BE PRESUMED TO BE OWNED BY AND ATTACHED BY THE PERSON WHOSE NAME, BUSINESS ADDRESS, TELEPHONE OR TRADEMARK IS CONTAINED ON THE FACE OF THE SIGN OR HANDBILL.

AND BE IT FURTHER ORDAINED that if any provision of this Ordinance or the application thereof to any person or circumstance is held invalid for any reason, such invalidity shall not affect the other provisions or any other applications of the Ordinance which can be given effect without the invalid provision or applications, and to this end, all the provisions of this Ordinance are hereby declared to be severable.

AND BE IT FURTHER ORDAINED that this Ordinance shall take effect thirty (30) days from the date of its adoption; provided, however that a fair summary of the Ordinance is published at least once in a newspaper of general circulation in the Town of Cheverly.

INTRODUCED by the Mayor and Town Council of the Town of Cheverly, Maryland, at a regular meeting on May 12, 2011, at which meeting copies were available to the public for inspection.

ADOPTED by the Mayor and Town Council of the Town of Cheverly, Maryland, at a regular meeting on July 14, 2011, at which meeting copies were available to the public for inspection.